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Rogers (H. B.)

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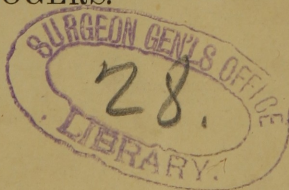
FOR

SUPPLYING THE INHABITANTS OF BOSTON

WITH

PURE SOFT WATER.

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BY HENRY B. ROGERS.  
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BOSTON:

S. N. DICKINSON & CO., PRINTERS.

1845.

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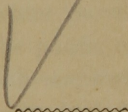
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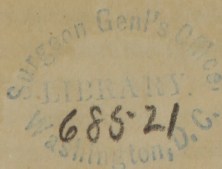
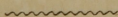
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REMARKS

By JOHN M. WILKINS, Esq.

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REMARKS.

THE ACT which has recently been obtained from the Legislature, for supplying the City with Pure Water, is soon to be submitted to the inhabitants, for approval or rejection. Their action upon it will be final, and, moreover, will conclude interests of greater magnitude than any which have yet been affected by a popular vote, since the organization of the City Government. My connection with the Council, the past year, as a member of the Board of Aldermen, has necessarily given me some opportunities, not enjoyed by others, of forming a judgment upon the whole subject of the water movement; and, as there are some indications that the public mind is now disposed to consider this matter with somewhat of the attention and calmness which its magnitude and importance imperiously demand, I am induced to make a few remarks upon its present character and position.

Some of the projectors and zealous friends of Long Pond, have chosen to adopt the opinion, which they have been studious to enforce, as far as possible, that all persons who have opposed that project, or who, perceiving objections to some portions of it, have desired further investigation, are necessarily opposed to bringing water from abroad, *from any source*, and have no sympathy whatever for those among us who are deprived, in whole or in part, of this great blessing.

The absurdity and injustice of such a belief, are obvious enough ; but its constant reiteration has, nevertheless, had its effect in misleading the public mind, and in preventing a free expression of thought upon the subject. No man likes to incur the public odium ; and, if the expression of an opinion against the Long Pond project is to enroll him among those who are set down as the inveterate enemies of all plans for water, human nature needs only to be consulted, to know that he will be seriously tempted to withhold it. One would imagine that the motives of those who differ, in respect to the relative advantages of the various schemes which have been brought forward, to obtain a common good, might, at least, be left unimpugned. Most assuredly, the true interests of all the inhabitants of Boston demand that the facts, reasonings, and objections of every man, should be carefully and candidly weighed ; and, especially, that all attempts to check inquiry, or to carry a particular measure, involving multifarious details and nice calculations, by creating a popular excitement, by noisy speeches, at Faneuil Hall or elsewhere, should at once be put down by the respectability and sobriety of the community.

As I was unfortunately a candidate for Alderman, at some of the late city elections, it was to be expected that I should share the fate of others, in being, occasionally, pointed at, as opposed to supplying the city with water — *any water*. It will, therefore, be deemed not impertinent in me, to state my real views upon the subject.

I am now, and for many years have been, in favor of bringing into the city, from abroad, a supply of water, of good quality, in sufficient quantity, from such sources, and upon such principles, as disinterested and competent men may, after due examination of the whole subject, in all its bearings, deem to be best. I am not aware of having any peculiar preferences for any particular plan, distinct from

the facts which apply to it. I have no interest in the existing Boston Aqueduct Company, nor in any matter or thing which can be affected by one project or another. I pay a yearly tax of over four hundred dollars, which is fully my share; and I am willing to pay my proportion of any further sum, whether assessed pro rata, or for the water used, which may be rendered necessary, in order to procure and maintain such a supply. But I do not claim to have reached a degree of disinterestedness in this regard, beyond that of the great body of my fellow-townsmen; for, from inquiry and observation, I am fully satisfied, that the vast majority of our citizens, and including among them our men of competence, and our men of wealth, are equally disposed with myself, to accede cheerfully to anything which the good of the inhabitants of the city, generally, can be shown to require upon this subject.

An extra supply of pure soft water is absolutely needed for the comfort and welfare of this city. Such a supply the great majority of our citizens are determined to have;—and the necessary cost of furnishing it they are willing to pay for. These I take to be facts beyond dispute, and I shall therefore regard them as such.

The real questions, then, to be considered, are—from whence is the water to come, and in what manner is it to be brought in?

Is *Long Pond* the best source of supply, and is the plan proposed by the Commissioners the safest, the wisest, and the most economical which can be devised for obtaining it? The last question is the only one of practical importance at this time, and we will therefore confine our principal attention to it.

With regard to the project of *Long Pond*, I am not prepared to say, absolutely, that future and more extensive examinations may not satisfactorily prove it to be the best

which can be adopted; but, after having faithfully read whatever has been written upon the subject of water, since the time it first occupied the public attention, and carefully endeavored to understand the bearings of all the facts and suggestions which have been brought out in relation to it, I am prepared to say, that, in my judgment, *it ought not to be assented to by the citizens at the present time.*

The reasons which have led me to entertain this opinion, I will endeavor to unfold as briefly as possible.

First, the City authorities, to whom are committed, by the Charter, all the municipal interests of the citizens, had not decided Long Pond to be the best source of supply, at the time the question was submitted to a popular vote; and their subsequent action was the result of that vote, and not of their own convictions.

The history of this matter is both curious and instructive; and the detail of some of the prominent facts may serve to show how far sound principles, or party prejudices, and unwise zeal, have been the basis of past action.

In the month of July last, a period of the year when many members of the Common Council are absent from the city, an order was introduced into that body, to raise a joint committee, to consist of one person from each ward, "to consider and report what measures, if any, may be adopted, to procure an abundant supply of pure soft water, for the use of the city." The order was passed, and came up to the Board of Aldermen, who concurred therein, and joined the Mayor and two others to the committee. In August, the joint committee made a report upon the subject submitted to them. It closed with an *Order*, in substance, that they have power to appoint three commissioners, who should report "the best mode, and the expense of

bringing the water of Long Pond into the city;" which passed in concurrence. The preamble of the report expressed the opinion that Long Pond was the best and only practicable source of supply; but this opinion was strongly objected to by some members, as wholly premature. It was said, however, that the order only contemplated an examination, and expressed no opinion; that the vote was to be taken on the order; and, as in other cases, members were not presumed to be committed by the opinions or reasonings of the report. It was stated that the object was not to prevent any examination of other sources, but only to obtain a full estimate upon this, as one of the most prominent, and in respect to which there was less clear information than of the others. With this understanding the order passed. At the next meeting of the Board, however, a member, not feeling entirely satisfied with the course which had been taken, offered an explanatory resolve, which was, in substance: "that the order which had been previously passed, was not intended to be an expression by the Board, of any opinion, with regard to Long Pond being the best source of supply, and did not commit it in any way to that measure, or preclude it from examining other sources hereafter." This resolve passed, without objection, excepting on the ground that it was unnecessary.

Almost simultaneously with the introduction of the first order, viz: July 29th, 1844, a petition, signed by Walter Channing, Henry Williams, and others, was laid before the Board. It requested that a legal meeting of the inhabitants of Boston might be called at Faneuil Hall, for the purpose of procuring a vote of the citizens, on the subject "of obtaining a supply of pure water, from Long Pond, in Framingham, for the use of the city." The objects contemplated by this petition were the same with those already proposed by the city authorities; and the effect of

granting it could only be to submit prematurely to popular action, a question which involved grave and enduring interests, that, by force of law, properly belonged to the city authorities to examine and pass upon, in the first instance, and which, indeed, they had already taken up. The petitioners, however, did not see fit to withdraw their petition, and it came up for action in regular course. It is believed that the Board were agreed as to the inexpediency of the measures proposed in this document, but some members considered that the 25th section of the city charter, which relates to public meetings at Faneuil Hall, makes it imperative upon the Board to call a general meeting at that place, of citizens qualified to vote in city affairs, whenever they are requested to do so by fifty qualified voters. The petition was therefore accepted, and the meeting ordered to be duly warned. The first meeting was held on the evening of September the third, and it was continued, by adjournment, from time to time, to the third day of December last. Most of the meetings were thinly attended; and, at some of them, there were not more than one hundred persons present; but their effect was to bias and agitate the public mind, and especially to interfere with a calm and careful consideration, by the City Council, of the important questions before them.

Under this state of things, the Commissioners made their Report, bearing date November 9th. On the 14th of that month the Chairman of the joint Water Committee submitted it to the Common Council, accompanied by a paper, containing a few very brief remarks on its merits, and proposing the following resolves for consideration, viz:—

1st. That it is expedient for the City to begin and complete the necessary works for the introduction of a supply of pure water.

2d. That it is expedient to draw the supply from Long

Pond, in the manner recommended by the Commissioners appointed under the order of August 26, 1844.

3d. That it is expedient to begin the work as soon as the necessary powers can be obtained from the Legislature.

4th. That it is expedient that the following question be submitted to the legal voters on the second Monday of December next—the citizens to vote in their respective Wards, yea or nay, viz: Are you in favor of procuring a supply of water for the City, to be brought and distributed at the expense of the city, from Long Pond, in Framingham, for the use of the inhabitants, on their paying therefor a reasonable compensation, to be fixed and established by a board of water commissioners?

The 1st resolution passed the Common Council; the 2d, relating to the expediency of making *Long Pond* the source of supply, was amended, by inserting these words after the words "*Long Pond*:" "or such other sources as may hereafter be decided to be best." The 3d and 4th resolves were indefinitely postponed. In this state, the Report and accompanying resolves came up to the Board of Aldermen for their action. The 1st resolution was concurred in, and all the rest were indefinitely postponed. The Board rejected the 4th resolution, however, on the ground, that the question of calling general meetings of the inhabitants to vote upon the subject, was one which belonged exclusively, under the charter, to the Board of Aldermen, and ought not, therefore, to have been considered by the Common Council. The objection was to form, and not to substance. Accordingly, a new order, of similar import with that resolve as originally proposed, was immediately offered by a member, and, upon an amendment after the words *Long Pond*, in these words: "or from any other source which may hereafter be decided by the *City Council* to be best," it was passed. It will be

perceived, then, that up to this time, the City Council had decided two things only.

1st. That a supply of *pure water*, from some source without the city, ought to be introduced as soon as may be, and the necessary works commenced ; and,

2d. That the citizens, on the second Monday of December, should be requested to record their votes on the question, whether they were in favor of having the City undertake to bring in this water, either from *Long Pond* or from *any other source* which it might hereafter decide to be best. In other words, the questions to be submitted to the people were—whether they wanted more water? and, whether they were willing that the City should decide hereafter from whence, and in what manner, it should be obtained?

Such was the state of things on the 27th of November. But it unfortunately happened, that the individual who offered the order which took the place of the 4th resolution, appended to the Report, being pressed for time, and casting his eye over a newspaper which lay on his table, saw therein a resolution of similar import, which had been passed by the water meeting at Faneuil Hall. For convenience sake, and, perhaps, thinking, at the same time, to please a body of citizens represented by that meeting, he cut it out and offered it to the Board as it was printed. During the discussion which ensued, another individual, instead of the words “from Long Pond, &c., or from any of the sources adjacent thereto,” which it contained, moved, as a substitute, “from Long Pond, or from any other sources which may hereafter be decided by the *City Council* to be best;” thus changing its character, and making it conformable to the decision of the Common Council. This very innocent procedure gave rise to a singular and unlooked for demonstration of popular feeling abroad, which, at one time, seemed to threaten most serious consequences.

At a meeting which was held December 3d, at Faneuil Hall, great offence was expressed at the step which had been taken by the City government in this matter. They were charged with daring to alter one of the resolutions which had been passed at a previous meeting; and it was gravely stated that they were no better than they should be. Indeed, one prominent individual seemed to think that such things would not be permitted, even in the *absolute* government of England! His eloquence evidently roused the audience to a just sense of their danger, and many noisy and indecorous speeches followed. Individual members of the Board of Aldermen were designated as being opposed to giving any water whatever to the thirsty citizens, and the audience was called upon to mark them at the polls. Men of standing and great respectability laid aside their usual courteousness and joined the general burst of indignation with heart and hand. The meeting, at one time, seriously threatened to take the whole water project into their own hands, and, by their sole authority, assemble the citizens to vote upon their resolutions at Faneuil Hall. One gentleman, however, calmer than the rest, facetiously proposed to administer a pill to the diseased and suffering Aldermen, in the first place, and then, if that was found ineffectual, he was for trying a bolus. In consequence of this suggestion, a motion was made to send a Committee from their body to state their grievances to the Board, and to wait the result for further action; and this course was finally adopted.

This Committee had a hearing the next day; at which, after appropriate apologies for some degree of excitement on the evening before, they, in very courteous and respectful language, expressed the views and wishes of the meeting by which they were appointed. Their petition was referred to a Committee, to consider and report; and they taking into consideration the then excited state of the pub:

lie mind and all the attendant circumstances, after a very full statement of the past views and action of the Board, yielded so far to the wishes of the petitioners as to recommend that the resolutions passed at the Faneuil Hall meeting, should be submitted to the vote of the citizens, together with those which had been adopted by the City Council. Their recommendation was accepted; and the two sets of resolutions, which differed from each other only in respect to the source of supply—those of the City being *unlimited*, whilst those of the Faneuil Hall meeting were restricted to *Long Pond* and its vicinity—were placed in their order on one ballot.

It will be distinctly kept in mind, then, that up to the time of taking the vote, the City government had not decided Long Pond to be the best source of supply, nor even expressed any formal opinion upon it. And it will also be noted, that it was only in consequence of the urgent request of some four or five hundred citizens, assembled at Faneuil Hall, the leaders of whom had for several months been striving to create a party movement in favor of one particular plan—and for the purpose of avoiding further excitement and preventing greater injury—that the Board of Aldermen consented to submit this particular question of Long Pond to the vote of the inhabitants.

The vote was taken, December 9th, on one ballot, but different answers to the question proposed were made and distributed, to suit the wishes of the various parties. The ballots which shaped the answers in favor of Long Pond, seemed, however, to have the first place in the regards of those who were most active as distributors; and unwearying efforts were made to induce the citizens, as they came to the polls, to put them into the ballot-box. Indeed, I know not how it happened, but, by some strange fatuity, the ballots which had been prepared for those who were willing to leave the whole matter to the City government,

seemed, in certain places, to have suddenly disappeared from the rooms where they had been originally deposited. In my own Ward, I was put to some trouble to find the ballot I wanted ; but at last I fortunately stumbled upon some lying in a corner, under a huge pile, smelling strongly of Long Pond. The result of the ballot was a vote of 6,260 yeas in favor of Long Pond as the source of supply ; about 8,500 persons voted on the question ; and about 11,000, who were legally authorized, did not see fit to vote at all.

It should have been stated previously, as a part of the history of this matter, that fourteen days before the time assigned for taking the vote on the resolutions, the City Council had ordered "seven thousand copies of the Report of the Water Commissioners appointed under an order of the City Council, March 16, 1837, to be printed and distributed for the use of the inhabitants." This report examined various sources of supply, and recommended Spot and Mystic Ponds. We do not say that it was designedly suppressed ; but by some strange mischance, for which that redoubtable personage introduced to us by Mr. Dickens under the familiar name of "The Lord No Zoo," is alone accountable, *it was not printed and distributed until some days after the vote had been taken.*

Such are some of the facts in the history of the water question, as they have appeared to me. They seem to justify the belief that, previous to examination, and before any decision, as to the best source of supply, by the city authorities, a strong party movement was gotten up in favor of one particular project ; and, in consequence of the excitement and prejudice engendered by this movement, that the appropriate action of the City government was weakened and interrupted, and the public mind placed in such a position as to render it incapable of understanding the true position of things, or of arriving at

a sound conclusion in respect to the questions submitted to its decision.

By the charter and under the laws, all the municipal interests of the citizens are entrusted exclusively to the City Council, annually elected by them. We believe that this is the only mode in which these interests can be secured, or a government of law and order be permanently maintained; and it is certainly an extraordinary, as well as a mournful fact, that citizens of wealth and influence should be willing to lend their weight of character to measures which tend to interrupt the calmness and impartiality of the public councils, or to call in question the exercise of their lawful authority. Should their own example be followed, no persons, probably, would have more reason than they, to regret the disastrous consequences which must inevitably flow from such a course of procedure. And especially, in a matter of such magnitude as the water question—incapable, as it is, of being set right when once decided wrongly, and involving in its consequences, as it must, the interests, not only of the present inhabitants, but of their children and successors—it is essential that the City Council should be permitted, under the responsibilities imposed upon them by the charter and the laws, to come to a definite conclusion with regard to the source and mode of supply, uninfluenced by any popular or party action. And, indeed, until the City Council have arrived at some definite result, through extended examination and thorough consideration of the whole subject, in all its details and bearings, and have recommended to the citizens certain measures, with their reasons for them, it would seem to be wholly inexpedient and improper to submit the question to a popular vote.

Under the circumstances, we consider the result of the vote on the water question sufficient ground for belief, that the citizens are desirous of obtaining an additional supply

of good water; but we deny that it is proof of anything else. The facts above recited, the excitement created, the party influences exerted, the number and length of the questions submitted, and the prevailing ignorance as to the true position of things in the City Council, are ample evidence that the vote is no indication of the preference of the inhabitants for one source of supply over another. And it ought not so to be regarded; for the great majority must have voted in ignorance, or through the influence of others.

A few more words will end the history we have undertaken. Another Report from the Joint Water Committee was introduced, Dec. 29th, into the Common Council. It stated, in substance, that the City, by a large majority, had decided in favor of Long Pond, as a source of supply; and had instructed and advised the City Council to take immediate steps to bring it in; that the present Council was more familiar with the subject than the next could possibly be for some time to come; that, before a future Council could act advisedly in the matter, make an application to the Legislature, and await the time necessary for the serving of an order of notice upon parties in interest, that body would have risen; and it finally closed with offering for adoption the *first* resolution, which had already been voted for by the citizens; and an accompanying order, that the Mayor be instructed to make immediate application to the Legislature for a charter under it.

The resolution and order were passed after some debate. Before the ground be taken, that this vote was an expression by the City Council, in favor of Long Pond, the circumstances under which it was passed should be distinctly brought into view. Our city election had already taken place, and no Mayor, and but three Aldermen had been elected; the Council of 1844 was just going out of office; the people had voted not to leave the question to

the decision of the City government; and it was evident that unless application were made for a charter by the existing Council, none could be obtained for a year to come, even though the next Council should, on further examination, come to an independent opinion, that Long Pond was the best source. Under this state of things some of the members took the ground that the City was bound by the vote which had been taken; others that, at any rate, it was their duty to place the subject matter in such a shape that the next Council, if they should determine Long Pond to be the best source, might go on and accomplish their wishes; which they could not do, unless a charter were asked for under the resolution which had been submitted to the people, and adopted by them.

It was for these, or similar reasons, that the City government finally adopted the course alluded to above; and not for the reason that they had to come to any more definite opinion as to Long Pond, as a source of supply.

Second, The Commissioners, who were appointed the last year, did not decide that Long Pond was the best source of supply for the city.

They were appointed for no such purpose; their instructions being only to report "the best mode and the expense" of bringing in water from that source. Consequently, they examined no other source, and had no data before them for forming an opinion as to its comparative excellence. But it may be said, that though this be true, some of them have, notwithstanding, at various times, examined other sources, and are understood to entertain a decided preference for Long Pond.

With regard to this we have two answers to make.

1st. It is one thing to have a strong prepossession in

favor of a particular project, and quite another thing, to take the responsibility of deciding for or against it, under a full conviction that all the consequences of a failure of judgment will fall upon our own heads. Now this feeling of responsibility is just what is wanted to give weight to the opinion; but the commissioners have not assumed it, and were not called upon to assume it; and, consequently, should the plan prove unfortunate, they will not be held accountable.

They may justly say, you asked us merely for a plan and estimate upon Long Pond, but we gave no opinion as to the propriety of the selection, or the wisdom of expending so much money upon it. It is not our fault if it have not answered your anticipations. The judgment, therefore, of the Commissioners, if they have expressed one privately, is not worth much, because it has not been expressed under a sense of responsibility. A man naturally inclines to be favorable towards a project which promotes his interest; it is only when he feels that his opinion is to involve the interests of the community, as well as his own fame, that it becomes of much value. But

2d. The supposition is not entirely true. One of the Commissioners has, under oath, declared, that, in his opinion, further investigation is desirable. Another has long been a zealous advocate for Long Pond; but, from his former prejudices, he is not the most suitable person to have been selected for the last Commission; and, besides, his opinion is opposed to that of all those who had previously been employed to examine it. As to the third, if he be now in favor of Long Pond, he was in 1837 and 1838, as strongly in favor of Spot and Mystic Ponds; and that, too, under greater responsibility, since he was then called upon, officially, for his opinion. Mr. Hale was recently employed by the City, to report the best

mode and expense of bringing water from Long Pond. He performed the duty assigned to him; but during its progress, and before the government which employed him had opportunity to examine his Report, or come to a decision upon the subject matter, he undertook, as an editor of a daily paper, to forestall public opinion upon it; thus interfering with the free and unembarrassed action of the party whose agent he was.

Third, Whatever evidence there is on record, upon the subject of water, is not in favor of Long Pond, but of other sources of supply.

Daniel Treadwell made the first Report as a Commissioner, in 1825. He offered two plans; one for Charles River, and another for Spot Pond. Loammi Baldwin made the second Report in 1834. He went into a general examination of a large number of sources; and gave a great amount of information upon the whole subject of water and water-works, in various countries, and in ancient and modern times. *But he rejected Long Pond, on "account of its low level and the great expense of effecting a discharge from it,"* and presented a plan for bringing a supply from Farm and Shakum Ponds, which were of a considerably higher level. In 1837, three Commissioners, Daniel Treadwell, Nathan Hale, and James F. Baldwin, made a very long Report upon various sources, and decided strongly in favour of Spot Pond; with the understanding that, when this source should prove insufficient, an additional supply might be drawn, by pumping, from Mystic Pond. Mr. Baldwin dissented from this opinion, and, *for the first time*, proposed Long Pond. In 1838, these same Commissioners made an additional Report, reaffirming their former opinion, and strengthening it by new suggestions.

In 1836, R. H. Eddy made a Report, which was also published. It coincides entirely with the opinion of the majority of the Commissioners, and presents many new facts and estimates. In 1838, Mr. Eddy made an additional Report of similar character. In 1839, the City government, after a long and thorough debate, decided in favour of *Spot and Mystic Ponds*, and made application to the Legislature for a Charter; but, in consequence of embarrassments met with there, the plan was abandoned. In the same year, His Honor the Mayor, Samuel A. Eliot, reported strongly in favor of Spot and Mystic Ponds; and urged the propriety of the immediate prosecution of that project, by a variety of arguments.

In 1844, Patrick Jackson, Nathan Hale, and James F. Baldwin presented, as Commissioners, an estimate "of the best mode and expense of bringing water from Long Pond;" *but gave no opinion as to the expediency of selecting that source, or of adopting the plans necessarily connected with it.*

Such is the evidence against the project of Long Pond, drawn from the past and recent history of what has been done in relation to water, under municipal authority.

But this, it will be said, is not conclusive. The present plan may be a good one, notwithstanding so many experienced persons, who at various times have been employed to investigate the subject, have failed to see it. It will be admitted, however, that very strong evidence may justly be required to overcome the cumulative testimony thus presented.

We will, therefore, consider the project of Long Pond by itself:— And we say,

Fourth, That, as set forth in the Report of the Water Commissioners for 1844, it is liable to objections of so serious a character, as to justify the inhabitants of Boston

in refusing to sanction it, until further and more satisfactory examinations and estimates have been made.

We do not say, as before remarked, that it may not hereafter be satisfactorily proved to be, on the whole, the best plan; but we maintain that the evidence in its favor is not *now* sufficiently strong to warrant its immediate acceptance. When this shall be the case, we shall most cheerfully vote for it; and we contend that, in a matter involving such deep present and future interests, a delay of a few months, or even years, is of little consequence, provided it be the means of arriving at last at a satisfactory result.

We will now briefly state some of these objections.

1st. There is a difficulty in the Report itself.

It throws us back upon the Report of 1837. In fact, it is substantially a mere second edition of that Report, without its argument; but revised and corrected in certain particulars. It sheds no new light upon the subject, and pretends to little or no new investigation. It presents almost verbatim, the general plan for Long Pond, found in that Report, with its details of quantity and quality of water, and mode and cost of construction and distribution. And yet, when we turn to the Report of 1837, and the supplementary one of 1838, we find that the majority of the three Commissioners, two of whom are the same individuals who made the Report of 1844, deliberately reject this plan for Long Pond, and propose another and a different one! The reason assigned for this is, indeed, that the population, since 1837, has increased in a ratio of twenty-five per cent, and, consequently, that it is proper to provide for a daily supply of 250,000 persons, instead of 150,000, the basis of the former report.

But no facts are gone into to show whether the amount required may not, with more certainty, and at less cost, be drawn from Spot and Mystic Ponds. The Commissioners, indeed, are not to blame for this, for they were confined, by the terms of their Commission, to the consideration of Long Pond; but the result is, that we are, after all, left in a most disagreeable state of doubt, as to whether the same facts and reasonings, which compelled the Commissioners so decidedly to prefer Spot and Mystic Ponds, to Long Pond, in 1837, when 150,000 persons were to be provided for, do not apply with equal force when the provision is to be for 250,000 persons; especially, since the fact is well ascertained that the quantity of water in the two ponds, greatly exceeds that in Long Pond.

In the Report of 1837, it is said, that, on a calculation for a supply of more than 3,619,000 gallons, "*we should find that this excess in the cost of works of Long Pond, with accumulated interest, would be fully equal to the sum required to increase the supply from Mystic Pond.*"

If this be true, then, all the other arguments in favor of Spot and Mystic Ponds, in the Report of 1837, are as good and sound in 1844 as they were in 1837.

2d. The Report of 1844 takes for granted that 7,000,000 gallons of water are required for Boston, but it does not attempt to prove it.

The propriety of going twenty-four miles to obtain a supply of water is founded entirely on this one fact, and yet it is not examined with any degree of care. The Report does not go into the evidence of the experience of other cities, and from rigid analysis, come to this conclusion, but it jumps at it. It does not consider the extremely important question, whether there are any circumstances in the peculiar position or habits of this city, or in the amount of supply which it already possesses, to vary the

result arrived at, from a comparison of the evidence presented in the experience of other places. It says merely, that "28 1-2 gallons per day, for each person, so far as their knowledge extends, has been generally regarded as fully sufficient." Undoubtedly it is, and especially if it be to be paid for by those who use it.

It is true that no reasonable man will object to *quantity of water* as such. But he may, and with great reason, object to going double the distance and paying treble the cost, for the sake of procuring a quantity which is greater than he can possibly use, and particularly when a sufficient quantity, at a moderate rate, is close to his own door. If he be called upon to pay for water, he will be very apt to calculate pretty nicely, both how much he has on hand, and what additional quantity he will probably want.

Now, we maintain that the evidence of other cities does not prove that each individual consumes, on an average, 28 1-2 gallons of water a day.

Published Reports on this subject show, that in London, the average consumption, for each person, is 21 gallons a day; in Liverpool, 8 2-3 gallons; in Glasgow, 26 1-2 gallons; in Manchester, 11 1-2 gallons; in Edinburgh, 16 gallons; in Greenock, 15 gallons; and the mean of the whole is about 15 gallons. In France, from 5 to 10 gallons for each person, is considered a full supply; and if the whole number of inhabitants in London is compared with the quantity of water brought in by the several water companies, the average above set down at 28 1-2 gallons, will be reduced to about 18. In Philadelphia, the Commissioners say the average supply is 28 1-2 gallons a day; we believe this to be incorrect. In one of the official statements, indeed, it would appear that 18,000 and odd tenants took about 300,000 gallons; which would give this amount to each member of a family of six persons. But it should be recollected, that this, after all, is

but poor evidence of the quantity of water actually consumed by each ; for these tenants are merely the parties who pay for the water, and, in fact, they may represent six or twenty other persons who use it. From other official statements it appears that the pumps at the Fairmount water works had, in 1837, a capacity of delivering 4,216,000 gallons per day, and that the population of the city and districts was 225,000 persons, who were fully supplied with water.

We conclude, therefore, that the mean supply to each inhabitant did not exceed 18 gallons per day, and probably fell short of it.

In New York there are few data from which the quantity of water used a day can be correctly estimated. But from what we have been able to gather from one of the chief engineers, employed upon the Croton water works, we are of opinion, that the average quantity is not over 18 gallons a day ; and he distinctly stated that, in his opinion, full one half of what was drawn from the pipes was wasted or misused.

But further, even if 28 1-2 gallons are required in Philadelphia, it by no means follows that an equal amount is necessary in Boston.

The Commissioners seem to have taken it for granted that Boston has no water within its precincts whatsoever ; and, accordingly, they have thought proper to provide a full supply for 120,000 persons, the actual number of inhabitants, and then to make additional provision for 130,000 persons who are not yet in being, but who may be expected to appear in the course of some half century hence. They have forgotten that there are wells, cisterns, and other artificial sources of supply already existing. And yet, the great fact has all along been staring them in the face, that there are 115,000 persons who have actually lived in the city the past year, without dying from thirst, and that they were bound in some way to account for it.

Now, this is passing strange. There have, indeed, been serious complaints of the want of water, but, still, the undoubted truth is, that every man has obtained enough for his daily necessities, and the vast majority for their reasonable uses. Has this no bearing upon the additional supply which may be needed, and were not the Commissioners bound to allow for it? We deem the course pursued wrong in principle and unwise in policy.

If narrow minded views are to be overcome, and unanimity obtained on this subject, it can only be done by looking all the facts boldly in the face, and making just allowance where allowance is required.

The Boston Aqueduct Corporation, it is well ascertained, can and will, if permitted to do so, fully supply, at its own cost, 30,000 persons, with the best water that can be procured anywhere.

Many hundreds of thousands of dollars have been expended by the inhabitants for wells and cisterns, and there can be no doubt that the quantity of water contained in them is equal, at least, to a full supply for 40,000 persons more. 50,000 persons, therefore, remain to be provided for, and a reasonable allowance must be made for increase in the population.

But, it is said, that the well water is bad. Grant that it is so — this is no reason for rejecting the cistern and the aqueduct water, or, indeed, the well, excepting for domestic purposes. At my own house I have a well, but have been unable to get a drop of good water from it for five years. In consequence, I have had constructed in my cellar, a filtering cistern, which contains about fifty hogsheads of water, and though my family consists of eight individuals, and I use a bath, a water closet, and a furnace which consumes about eight gallons of water daily, and have, moreover, washing done in the family, I have not, during this period, excepting once for a few days, and this in

consequence of a leak, been without a full supply of good clear soft water. For drinking, though I like the filtered water as well, we obtain a pail full from a neighbor. And this is the case, I venture to say, in many hundreds of families in this city. The truth is, the heavens, in our climate, contain a great deal of water; they supply Long Pond, and with a little care, their outpourings may be brought directly into any man's house, without travelling twenty-four miles in a brick tunnel. Proper applications will free them from the impurities which they contract on our roofs.

Again, the assertion so unblushingly made, that there is little well water in this city, and that what there is is intolerably bad, is quite as unjust and untrue as the pretence that it is all of the best quality, and that there is no demand for more. Good will not come from making false issues either way. There is, undoubtedly, a great quantity of well water here, or every man, woman, and child could not have drank and used more or less of it every day as they have done.

The great consumption for domestic purposes has undoubtedly been from this source, and, till very recently, it has been sufficient, at least, for the necessities of the people.

Most of it is somewhat impregnated with lime, and much of it is brackish and unwholesome. Still, since the general health of the inhabitants, as well as the duration of life, both now and in times past, will compare very favorably with what is enjoyed in any other city of equal size, notwithstanding our variable climate, there does not appear to be any sound reason for supposing, as many are inclined to do, that the quality of the water has had any seriously injurious effect upon the human constitution. The facts would rather go to confirm the common remark, that in the good providence of God, the human constitution has a wonderful power of accommodating itself to the peculiar trials to which it is subjected; and, consequently,

that it is by no means safe to draw sweeping conclusions from a few data, which we do not fully understand, and which do not seem to be borne out by palpable facts that are well ascertained. Our well water is generally clear, and always cool; long habit has accustomed the inhabitants to it, and it is not to be doubted that great numbers of them would not abandon its use, whether wholesome or not, for the best pond water in the world.

Neither is it to be imagined that the vast capital which has been expended upon cisterns, will be readily thrown aside, unless better water can be obtained without cost; for people do not easily give up practices to which they have been accustomed from their youth.

In Philadelphia, with few or no good wells, with a hot summer climate, and with habits long established in the use of hydrants, it took *fourteen years* to introduce 2,255,000 gallons of water a day, among a population varying from 150,000 to 225,000 persons. Most certainly, therefore, in our climate, with our habits, and, especially with our present supply, there can be no sound reason to suppose it will not take an equal, if not a much greater length of time, to introduce an equal quantity.

But there is another characteristic of our City, which has an important bearing on the quantity of water which will be needed. Boston is set on a hill; the drainage is all under ground; water, therefore, is not wanted with us, as in Philadelphia and New York, to wash and carry off the filth, constantly accumulating in the gutters and streets. Every rain washes the pavement more perfectly than could be done by artificial means.

From these several considerations, we are inclined to think that the quantity of water, supposed to be necessary for each inhabitant, by the Commissioners of 1844, is greatly exaggerated.

In our opinion, the facts warrant the belief, that an additional quantity of *ten* gallons a day, for each individual,

would be an ample present supply, and that *twenty gallons* would be a liberal allowance for each new comer, when the population shall exceed its present number.

There is reason, also, to doubt the necessity or expediency of providing *now* for the wants of a population more than double our present one. For, though the city is undoubtedly increasing with great rapidity, we question whether the demand for water will be in proportion to its future growth. If a multitude of new houses are going up in new places, it is equally true that a great many old ones are disappearing, to make way for stores and places of business. The surrounding country is peculiarly inviting; the facilities of communication are so great and so cheap, as to make every place, within ten or fifteen miles of Boston, almost a suburb; and there are various other considerations, applicable to the subject, which render it more than probable, that, though the city may be the place of business in thirty or fifty years, of 250,000 persons, the actual population, resident within it, may fall greatly short of this number.

It is very certain, that a large water debt, of four or five millions, in addition to other annual expenditures, will have a strong tendency to induce many persons to avail of the cheaper and more healthful localities in their neighbourhood.

3d. But the Report of 1844 does not prove that Long Pond is capable of supplying, with certainty, seven million gallons of water a day.

From this Report, it appears that the minimum produce of the pond is sometimes reduced as low as 1,230,000 gallons a day; and that the average supply, from the 30th of August to the 15th October, was about 3,600,000 gallons, a little more than half the quantity required. The minimum of Spot Pond has been found to be 1,600,000

gallons ; and the average, in 1836, for seven months, was three millions. Long Pond, then, by itself, and as it is, would not answer the purpose.

By what mode, then, is it proposed to make it yield seven million gallons ? Not by bringing into it any new supply from other sources, but by reserving, by artificial means, the surplus water, over and above seven million gallons a day, which is supposed to fall from the skies during the rainy months of the year, or run into it from streams and brooks. In other words, the plan is to raise the dam at the outlet, which will prevent the water from running out, and throw it back upon the now dry and low lands in the vicinity. The necessity of this is apparent from what has already been stated ; and, moreover, is very strikingly exemplified by the further fact, that the proprietor of a woollen factory, hard by, who has the sole use of all the waters of Long Pond, has found them so insufficient to drive his one water wheel during the year, as to induce him to purchase the right to flow a portion of the surrounding country, and to raise his dam, for the purpose of securing a full supply for himself. But this plan is objectionable on two grounds :

1st. It is not easy to tell, beforehand, what the result of the process may be. The water, and especially when the reserve must be sufficient to a supply for several months, of three and a half million gallons a day, may flood more land than was anticipated, and thereby occasion great loss and damage. Or it may take some unexpected direction, and be wasted, or disappear through unsuspected chinks and crevices. All writers upon the subject maintain that flowage is attended with much uncertainty, and has often led to curious results.

2d. There no security that the quality of the water may not be injuriously affected by the process. The lands to be flowed are covered with vegetable and decayed matter, and it seems that the meadow principally in view, is com-

posed of *peat*. What will be the effect produced on a mass of water, a few feet only in depth, stagnating upon it, no man can predict. But we know that vegetable matter is highly pernicious. The cranberry meadows, on the Concord River, have been objected to on this ground ; and the Middlesex Canal is said to be obstructed by vegetable substances, which require annual removal. We might say something, also, of the evaporation which must take place upon so large a surface of shallow water, and which, in the case of Jamaica Pond, has been found to exceed any draft which has been made upon it by the Aqueduct Corporation. This consideration is entitled to unusual weight, when we remember that, in consequence of the very low level of Long Pond, its waters are to be taken from a point only four feet eleven inches below the surface at the gateway, and therefore should the draft on them reduce the level by this amount, no water whatever would flow to Boston. At Spot Pond, the water can be taken fourteen feet below the general level of the pond, and, consequently, it will admit of being drawn down to that point in dry seasons. This is a great advantage, as it allows for evaporation and draft without recourse to artificial means ; and, in fact, makes the pond larger than Long Pond, provided the rainy months will serve to restore the level.

4th. The aqueduct is to be laid with an inclination of three inches only to a mile.

This is rendered necessary by the low level of the surface. Now, we do not say that a supply of eleven feet of water a second may not be obtained through such a descent, though we know of one experienced engineer who doubts the fact. But we do say, that it is almost unprecedented in practice — that it requires a larger aqueduct than would otherwise be expedient — that it must be laid with the greatest nicety, being neither more nor less than

three inches descent : and that *no engineer would adopt it, except from necessity.*

The inclination required for the flowing of water is in proportion to the width of conduit. The aqueduct of Nismes has a descent of over two feet per mile ; that of Metz of five feet ; those of Rome are various, but generally not less than a foot and a half ; that of New York is thirteen inches. We know of no aqueducts of the small inclination proposed, excepting the New River at London, and a recent aqueduct in France ; but, in both these cases, the body of water is believed to be much larger. Whether the descent from Corey's Hill to the City be sufficient to raise the water to the level of the floor of the State House, we are not engineers enough to decide ; but, from information gathered from others, we presume it will be, if properly managed. The effects, however, upon a head of water, produced by tapping and drawing off, are curious. The surface of the water, in the distributing reservoir at New York, is stated to be one hundred and fifteen feet above mean tide, and three miles distant from the Astor House, and yet the water will only rise freely to the third story of that house, about seventy feet, and the proprietors are under the necessity of using a steam engine to distribute it over the building.

5th. The mode by which the Commissioners propose to bring the water to Corey's Hill is imperfect, and in striking contrast with the Croton aqueduct.

A brick drain, one single brick thick — eight inches — and without foundation or protection, is not, certainly, a magnificent affair ; but it is proposed to make it the sole dependence of Boston for water. The slightest settling or fracture, from any cause, would destroy the whole supply. At the Croton aqueduct, a solid foundation is first made with concrete ; then side walls are constructed

of square stones, rough hammered, and so bedded in cement, as to render the work water-tight; then a coating of plaster, three eighths of an inch thick, over the surface of the concrete, and of the walls. The top is then covered with an arch of brick, eight inches thick, laid in cement; and, lastly, the side walls and bottom are lined with a facing of eight inch brick work, also laid in cement. In the Long Pond aqueduct, all but the inner brick layer is omitted; to the very great advantage of the pockets of the people in the first cost, but whether for their real good in the end, time only can determine. The work appears to us to be so slight and insignificant, that we can hardly persuade ourselves it will ever be practically carried out. Should the project go on, we should certainly not be surprised to learn, that the engineers had concluded, upon the whole, to make a few slight changes in the construction, which would vary the pecuniary result some hundreds of thousands of dollars. We know that there is no head to resist, and that the weight of water is trifling; but we know, also, that there must be many casualties to be guarded against, and we are of opinion, that, in a work like this, nothing should be left to uncertainty. Indeed, the Commissioners themselves seem to confirm this opinion; for, in their Report of 1837, signed by two of them, and in which they propose a similar structure, they say: "We have no doubt but such a conduit may be constructed from Long Pond to Corey's Hill, which shall be as much beyond the reach of interruption in its operation, as any work of human art can be beyond the reach of accident. We cannot pretend, however, that the cost given in our estimate (\$13,000 less than that in the Report of 1844) is sufficient to produce a work of this permanent and perfect character; *and we should not think it expedient to increase the expenditure beyond the limits of our estimate, as the object of supply may be obtained, upon either of the above plans, with more advantage to the City, than*

by this,—if its execution must be at an expense beyond that which we have assigned to it."

Another serious objection to the plan of the works is, that it proposes a supply, at the reservoir at Corey's Hill, sufficient only for one day. Should, therefore, any accident happen to the structure between that point and the head, Boston would be left without water; a most serious evil, unless the present resources of the city are greater than the Commissioners allow them to be. The receiving and distributing reservoirs at New York have a full supply for one third of a million of inhabitants, for twenty-five days, and the fountain reservoir for three months.

6th. The Report of 1844 is not very satisfactory in respect to the cost of the work.

The sum total of the estimate is \$2,118,535 83; of which amount \$672,767,000 is for the distribution in the City itself. The estimates for excavation and embankment are for fair-weather work, and, therefore, cannot be depended upon; for the Commissioners expressly state, "that they have no satisfactory evidence as to the character of the earth to be removed in the deep cuts;" nor, probably, of the quantity of rock to be blown out. Indeed, no minute investigation of the character of the ground on the route appears to have been made.

The estimate for the aqueduct is upon a brick conduit, of the character we have above described, and is, therefore, probably very much below the sum which would actually be incurred.

The damages for land at Long Pond,—for the line of the aqueduct,—for the reservoir at Corey's Hill,—for the line of pipes to Boston and South Boston,—and for all the water rights, are estimated, in the gross, and without details, at \$121,600 00.

The cost of the source is included in the above; but,

in the opinion of judicious persons, it will, by itself, equal, if it do not exceed, the entire allowance.

Mr. Knight has a spacious carpet mill at the pond, which he has recently enlarged, and he employs constantly a large number of hands. This establishment takes all the water of the pond, and will be entirely ruined by the proposed aqueduct. The city, therefore, will be bound to give to Mr. Knight another water power, of equal goodness, elsewhere, and remove his whole establishment to it; or pay, in damages, the assessed value of the power, buildings, and other fixtures. In the vicinity are several buildings, which will be nearly worthless, if the factory be removed. We do not pretend to estimate the amount of this damage; but there cannot be a question that it will be very large.

After the water falls into Concord River, its use is claimed by the Middlesex Canal, and by several establishments at Billerica and Lowell, and, according to Mr. Eddy, by other mills on the route. The late Judge Thacher says, "that the total diversion of the water of the pond would probably deprive the canal of nearly all its water;" and it has been said, we know not with how much truth, that \$80,000 will be claimed for this damage alone.

The three City reservoirs are estimated at \$93,563 00, land and structures included; but no particulars are given, and the reader must judge for himself of the probability there is that this will prove to be the actual result.

From a pamphlet entitled "Argument before the Joint Special Committee of the Massachusetts Legislature," by Wm. J. Hubbard, Esquire, it would seem that one of the Commissioners, even, has doubts as to the correctness of the estimate of damages for water-rights; for it says,— "Mr. Jackson, one of their number, who has probably had as much experience in settling such claims as any man in the Commonwealth, in his testimony before the Committee, stated that he would *not* guaranty to pay them for

half a million of dollars. For what sum he would undertake to guaranty their payment, he did not state."

The estimate of the expense of the Croton Aqueduct, on which estimate the popular vote was taken, was \$5,412,336 72. The actual cost has been over \$12,500,000, and it is not yet finished.

It is said, that the argument usually drawn from this fact, is not sound; for the reason that, in that case, the distance was double, and the tract of country over which it passes, unusually varied, rocky and difficult. But we do not see the force of the denial; for the distance, we presume, did not double itself between the time when the work was estimated and that in which it was completed; and as for the difficulties of the ground, why were they not gone into thoroughly in the first instance, and before an estimate was submitted to the people? The whole weight of the argument lies in this very point, that loose estimates are made in the outset, without minute examination, and consequently, that results, very unexpected, are obtained. In the Croton surveys, many months were spent in investigation, and minute calculations were entered into; but notwithstanding, the final cost was more than double the estimate. And unless it can be shown, that more care has been used, or greater experience and knowledge acquired, in the matter of Long Pond, it is not easy to get rid of the fear of a somewhat similar result.

The question of cost, however, is only secondary to the main one of supply, and we should not have entered upon it here, except for the peculiar circumstances of the present case. If there were an inexhaustible body of water, like that of Croton river, within a reasonable distance of Boston, we should say at once — go and get it, cost what it may. But when the source of supply is of itself confessedly insufficient to furnish the estimated quantity, and can only be

made so by doubtful artificial means ; and especially, when there are other sources, of about the same extent, nearer at hand, and to be obtained at a less price, it becomes important to consider in detail all the facts which bear upon the case. Great cost is properly an overwhelming objection to a doubtful plan.

A large city debt, the interest of which must mostly be taxed upon those citizens who choose to remain here after the first of May, will prove no inconsiderable evil, and we cannot exercise too much caution before we incur one.— Our public schools, emphatically the glory of Boston, our alms-houses, hospitals, and other public institutions, are dependent for their support upon annual appropriations; and should some three or four millions of dollars be laid out in a water scheme, that after all should prove to be a failure, they will all suffer severely from it. Many real improvements have long been contemplated by the City, but are not carried out for want of adequate resources ; Among them may be mentioned a new county jail, and a more extended plan for widening streets, some of which are almost impassable.

Upon this much vexed question of water, my own mind has inclined in favor of Spot Pond as the source, which under all the circumstances applicable to the wants of the City, it is best to begin with. Charles river I conceive to be greatly preferable to Long Pond, and for the reasons set forth in an able pamphlet by John H. Wilkins, Esq.; but for *present supply*, I prefer Spot Pond to either. The City has already one Aqueduct within its borders, which can fully supply 30,000 persons with the best of soft water ; the wells and cisterns, now existing, will undoubtedly supply 40,000 persons more. We want, therefore, an additional present supply for 50,000 persons, with a reasonable allowance for increase in the population — say 100,000 additional inhabitants. Now Spot Pond may be depended upon for a daily supply of 2,500,000 gallons,

which is over sixteen gallons to each of 150,000 persons. It can be brought here in the short period of eighteen months, and distributed through the streets at an expense not exceeding one million of dollars. If we are to place any reliance upon the experience of other cities, it will be twenty years at least, before these 2,500,000 gallons will be taken by the citizens, on the principle proposed in the Long Pond scheme.

The elevation of Spot Pond is twenty-one feet higher than that of Long Pond; and the water, which stands at a level of forty feet above the floor of the State House, may be brought, without recourse to artificial means, to a point twenty-five feet above it. It is also seventeen miles nearer to Boston.

It can be taken from the Pond at nine feet lower level than it is proposed to take Long Pond, which gives a reserve over the whole surface of the Pond, of that number of feet. For these reasons, it appears to me desirable to commence with Spot Pond. It is the purest water; it is at the highest elevation; it can be brought in at the cheapest rate; the quantity will always be amply sufficient for the higher parts of the City, and, for many years to come, for all parts. The mode of bringing it in, that of iron pipes, is the safest and most certain. The cost of the source and water-rights is ascertained and agreed upon. It is only seven miles from the City.

If, at a future time, a larger supply is wanted, it can easily be brought from Mystic Pond, as proposed in the Report of 1837, or from Charles River, if that should be thought best, and without, in the least degree, impairing the utility of existing works.

In the mean time, the interest on the capital necessary to be laid out by the Long Pond project, for water that is not needed for present use, will be saved. It is true, that the additional supply must be obtained by pumping; but, then, time will have been gained, experience will have

been acquired, and such improvements in the arts applicable to the supply of water, may have taken place, as to furnish the requisite amount, when needed, with more certainty and at a cheaper rate. Such are the views to which I have arrived on this subject. Others may ridicule them, but I cannot perceive their unsoundness.

But whether my views, as to Spot Pond, be well founded or not, if a great expenditure is to be incurred, it is of the first importance that more thorough examinations should be made of the other sources, before the work is commenced. Let the same rules apply to this as to other important enterprises. Let the object be truth, not the carrying out, at all hazards, of preconceived notions, hastily formed. *The best source, be it where it may; the safest and most permanent mode of bringing it into the city, taking into due consideration all the circumstances which bear upon the case; these should be the only points of inquiry;* and they should be investigated by impartial and competent persons, until they can come to a well-digested and satisfactory conclusion upon them.

In no other way, do I believe it possible that any general unanimity of opinion among our citizens, upon this important subject, can be obtained.

Let the Legislature, or the City authorities, appoint a commission from the scientific and practical men who have been employed on the Croton Water Works, who have now obtained large experience, and whose judgment is not warped by preconceived views as to sources. Let them be allowed to examine the whole subject, de novo, and when they have deliberately come to a conclusion upon it, let them present and recommend a plan, with all the facts and reasonings on which it is founded; it being expressly understood that a new commission is to be appointed to carry it out. Then let the City government recommend it to the citizens, and we have sufficient confidence in the

intelligence and good sense of our people to believe, that they will assent to it with almost entire unanimity.

But if this course be objected to, let the City authorities ask beforehand, for power to appoint one commission to examine and recommend a plan, and another to carry it out, when agreed upon. Should such a commission be appointed in good faith, for one, I am willing to abide the result.

These remarks have already been extended much beyond what was originally intended; but we must crave permission to say a single word upon the Water Act which has been obtained from the Legislature, and which is soon to be offered to the citizens for their acceptance. It confers very unusual powers upon the commissioners who may be appointed under it; but, we think, not without reason.

A great work is to be done, requiring intelligence, energy, integrity and general conformity of opinion; and it seems to us, that to ensure perfection and consistency, in the general design and its execution, as well as accountability in the agents, it is important that the persons who are selected should be left to act out their own best judgments, unshackled by the chances and changes of the popular feeling. Whether the power to create and dispose of scrip, and some other monetary provisions, are judicious, seems more doubtful.

The excellence of most of the provisions depends, mainly, upon the wisdom of the selection which is made of agents to carry them out; and this leads us to speak of a remarkable feature in this bill, which, alone, has induced us to allude to it. By the 5th section, the "three Commissioners shall be chosen by ballot, by the Mayor, Aldermen, and Common Council, *assembled in convention.*" And, by the 1st section, "the City government shall determine by a majority of votes, *in joint ballot*, from which source to bring this water."

Now this is introducing a new, and we think most dangerous element into the action of the City government. It is, in fact, revolutionizing it. Under the charter and the laws, the City government is composed of two distinct bodies—the Mayor and Aldermen, and the Common Council—each acting *separately* upon the business which comes before it. Like the Senate and House of Representatives, they are each intended to be a check on the other, and thereby to afford additional security to the propriety and wisdom of the measures which they may adopt. In no instance has any legislative act been done without the sanction of *each Board acting by itself*; and we know but of two cases where elections are made in convention, those of the City Clerk and City Treasurer, and these by express statute provisions. No questions, for many years, have come up, so deeply involving the public interests as those which relate to the decision of the source from whence a supply of water is to be taken, and the appointment of Commissioners who are to execute the work and disburse immense sums of money; and yet, both these questions are left to the Mayor, Aldermen, and Common Council, *sitting in convention*, and not as separate bodies. Of course, the vote of eight men will not be felt in a body composed of twenty-four. The precedent is worse, even, than the case itself. The whole character of our municipal affairs may be changed by it, and, in times of party excitement, it will doubtless be availed of to the great injury of the public interest. What the reasons may have been for introducing so dangerous a practice at the present time, we are not anxious to inquire. But, were we as much in favor of the Long Pond project as some of its warmest friends, we feel bound to say, that we could not conscientiously vote for the acceptance of the present Water Act, so long as it retained the sections alluded to.

NOTE.—In the pamphlet entitled "Proceedings before a Joint Special Committee of the Massachusetts Legislature, &c." published under City authority, since these Remarks were put to press, my testimony before the Committee is given as follows: "H. B. R., sworn. Is an Alderman of the City of Boston; had not examined the subject of water sufficiently to have a decided opinion upon the various sources." I have no recollection of giving any such testimony as this. What I did say was not important, but is correctly stated in a pamphlet, by Wm. J. Hubbard, as follows: "Alderman R. testified that he was not in favor of the Long Pond project; that he thought further examination necessary; that he voted for it, (the order to apply to the Legislature for a charter,) under the circumstances in which the City government was then placed, that the next City Council might be free to act as they should think fit."

